

14.0.

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/086,642	LI, KENNETH K.	
	<b>Examiner</b>	<b>Art Unit</b>	
	sang nguyen	2877	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/14/04.
2. ☒ The allowed claim(s) is/are 1-4 and 6-38 which have been renumbered as indicate claims 1-37.
3. ☒ The drawings filed on 14 October 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

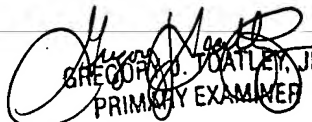
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                 | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____  |

  
 GREGORY D. TOATLEY, JR.  
 PRIMARY EXAMINER SPE 2877

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 6 line 1; the delete "5" before the "apparatus of claim" and replace – 1 --.

Claim 7 line 1; the delete "5" before the "apparatus of claim" and replace – 1 --.

Claim 8 line 1; the delete "5" before the "apparatus of claim" and replace – 1 --.

Claim 9 line 1; the delete "5" before the "apparatus of claim" and replace – 1 --.

Claim 10 line 1; the delete "5" before the "apparatus of claim" and replace – 1 --.

Claim 11 line 1; the delete "5" before the "apparatus of claim" and replace – 1 --.

Claim 12 line 1; the delete "5" before the "apparatus of claim" and replace – 1 --.

Claim 13 line 1; the delete "5" before the "apparatus of claim" and replace – 1 --.

### ***Allowable Subject Matter***

Claims 1-4 and 5-38 are allowed.

The following is an examiner's statement of reasons for allowance: Applicant's response to amendment on 10/14/04 has been entered. It is noted that the present application contains claims 1-4 and 6-38 and claim 5 has been canceled by the Amendment filed on 10/14/04.

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As to independent claim 1, the prior art of record, taken alone or in combination, fails discloses or render obvious a NA equalizing apparatus comprising all the specific elements with the specific combination including of the transmission element comprises further: an axis, an output surface, the output surface comprising a first output dimension and a second output dimension, the second output dimension being substantially orthogonal to the first output dimension, the second output dimension substantially parallel to the second input dimension, a first input NA in a plane of the first input dimension and the axis, and a second input NA in a plane of the second input dimension and axis, wherein a first ratio of a first product of the first input dimension and the first input NA to the first output dimension is substantially equal to a second ratio of a second product of the second input dimension and the second input NA to the second output dimension in set forth limitation of claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Sang Nguyen whose telephone number (571)-272-2425. The Examiner can normally be reached on Monday through Friday From 9:30 AM to 6:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Gregory J. Toatley, Jr., can be reached on (571) 272-2800 ext 77. The

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fax number for the organization where this application or proceeding is assigned is  
(703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SN

Nguyen/sn

October 23, 2004

  
Gregory J. Toatley, Jr.  
Supervisory Patent Examiner  
Art Unit 2877  
Technology Center 2800